

**Zoning Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-12
AGENDA DATE: Thu 11/17/2005
PAGE: 1 of 1**

SUBJECT: C14-05-0157 - Champion Tract - City Park Road East (City Initiated) - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6011-6411 City Park Road and 5801-6507 FM 2222 Road (West Bull Creek Watershed) from general office-conditional overlay (GO-CO) combining district zoning to general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning Zoning and Platting Commission Recommendation To grant general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning Property Owner Champion Assets, Ltd , Champion Legacy, Champion Meier Assets (Michael J Whellan) Applicant City of Austin Agent Neighborhood Planning and Zoning Department. City Staff Jerry Rusthoven, 974-3207.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-05-0157

Z.A.P. DATE: November 1, 2005

C.C. DATE: November 17, 2005

ADDRESS: 6011-6411 City Park Road and 5801-6507 FM 2222

OWNER/APPLICANT: Champion Assets Ltd
(Josie Ellen Champion)

AGENT: City of Austin
(Jerry Rusthoven)

ZONING FROM: GO-CO

TO: GO-MU-CO

AREA: 44.94 acres

ZONING AND PLATTING COMMISSION RECOMMENDATION: Approve staff recommendation

SUMMARY STAFF RECOMMENDATION:

Staff recommends approval of GO-MU-CO in accordance with the previous staff recommendations on this property. An existing conditional overlay limiting the property to 30,000 square feet of office space with a 100-foot buffer along the southern property line and a 6,500 trip limitation to be shared with 2 other properties would be removed for tract. A new conditional overlay will limit the traffic on tracts 1, 2 and 3 to 11,000 adjusted vehicle trips per day, omit any limitations on setbacks or building square footage and limit any rooftop to not over 820 feet above sea level and require a fiscal posting of \$40,000 at the time of site plan release for improvements to RM 2222 improvements (which may be released if not drawn in 10 years). The addition of MU zoning will allow for a mixed use development which is compatible with the City's planning goals. The additional trips proposed for the Champion development as a whole are below the amount recommended by the staff in the original Champion TIA.

ISSUES:

A case on this property was considered by the City Council on March 25, 2004. The Council approved the recommendation made by the ZAP Commission, with the condition that staff conduct a trip limitation analysis with the other Champion properties in the immediate vicinity (see attached traffic memo dated 9/30/04). The vote at Council was 4-3, with J. Goodman, R. Alvarez and D. Slusher voting nay. The case was brought back to ZAP and Council with the addition of MU zoning and was ultimately denied by the City Council.

On February 19, 2004, the applicants for this zoning case filed a lawsuit against the City. They claim, in part, that the application of City zoning ordinances enacted in 2000 violates a 1996 settlement agreement with the City because of the trip count limitation on this tract as well as three other tracts. They seek declarations consistent with their position, as well as damages for breach of contract and inverse condemnation. That case is styled Josie Ellen Champion, Champion Assets, Ltd., A Texas Limited Partnership, Alma Juanita Champion Meier, Champion-Meier Assets, Ltd., a Texas Limited Partnership, Mary Margaret Champion Roberson, and Champion Legacy Partners,

Ltd , a Texas Limited Partnership v City of Austin, Cause No GN400513, in Travis County District Court

The subject tract was part of a zoning case considered and approved by City Council on March 9, 2000 As a condition of zoning, a conditional overlay was approved that limited the total number of vehicle trips generated by this property and three other properties to 6,500 vehicle trips per day

On August 18, 2005 the City Council approved the Champion Mediation Agreement which abated the above referenced lawsuit while new zoning cases were filed which contained the conditions listed in the recommended conditional overlay If the zoning cases are approved by the City Council the Champions will dismiss the lawsuit against the City with each party bearing their own costs and attorney fees

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GO-CO	Undeveloped
<i>North</i>	LR-CO	Commercial
	GO-CO	Under Development
	MF-1-CO	Apartments
<i>South</i>	MF-2	Single Family
	SF-6	Undeveloped, Condominiums
<i>East</i>	Not Zoned	Capitol of Texas Hwy
<i>West</i>	LR-CO	Undeveloped

AREA STUDY: Bull Creek

TIA: Reviewed in 2000

WATERSHED: West Bull Creek

DESIRED DEVELOPMENT ZONE: No

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: Yes

NEIGHBORHOOD ORGANIZATIONS:

#098 – Lakewood Homeowners Association

#439 – Concerned Citizens for P&B of 2222

#180 – Austin City Parks Neighborhoods

#475 – Bull Creek Foundation

#184 – Bull Creek Homeowners Association

#608 – Jester Homeowners Association

#382 – Shepherd Mountain Homeowners Association

#965 – Old Spicewood Springs Rd N A

#426 – River Place Residential Community Association

#434 – Lake Austin Business Owners

CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-97-0162	LR to GR	Approved staff rec of GR-CO for tracts 1, 2 and 3 Tract one limited to Dry Cleaning as only GR use plus all LR uses Tracts 2 and 3 limited to Restaurant (general) as only GR use plus all LR uses (Vote 9-0) 1/13/98	Approved P C rec (Vote 7-0) 2/26/98

C14-98-0161	DR to SF-2-CO	Approved SF-2-CO (Vote 8-0) 8/31/98 See attached ordinance	Approved SF-2-CO (Vote 5-0) 3/9/99
C14-98-0162	SF-2 to GO-CO	Approved GO-CO (Vote 8-0) 8/31/98 See attached ordinance	Approved GO-CO (Vote 5-0) 3/9/99
C14-99-0076	DR and SF-2 to MF-1-CO and GO-CO	Approved MF-1-CO and GO- CO (Vote 5-2-1) 8/31/98 See attached ordinance	Approved MF-1-CO and GO-CO (Vote 5-0) 3/9/99
C14-99-0077	DR to LR-CO	Approved GR-CO (Vote 7-1) 8/31/98 See attached ordinance	Approved LR-CO (Vote 5-0) 3/9/99
C14-02-0181	LR-CO to LR- CO	Approved applicant's request to remove trip limit (Vote 6-2) 1/14/03	Pending

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
City Park Road	varies 80'- 115'	2 @ 12'	Arterial	3,110
R.M 2222	varies 225'- 300'	4 @ 12'	Highway	35,000

CITY COUNCIL DATE November 17, 2005 **ACTION:**

ORDINANCE READINGS: 1st

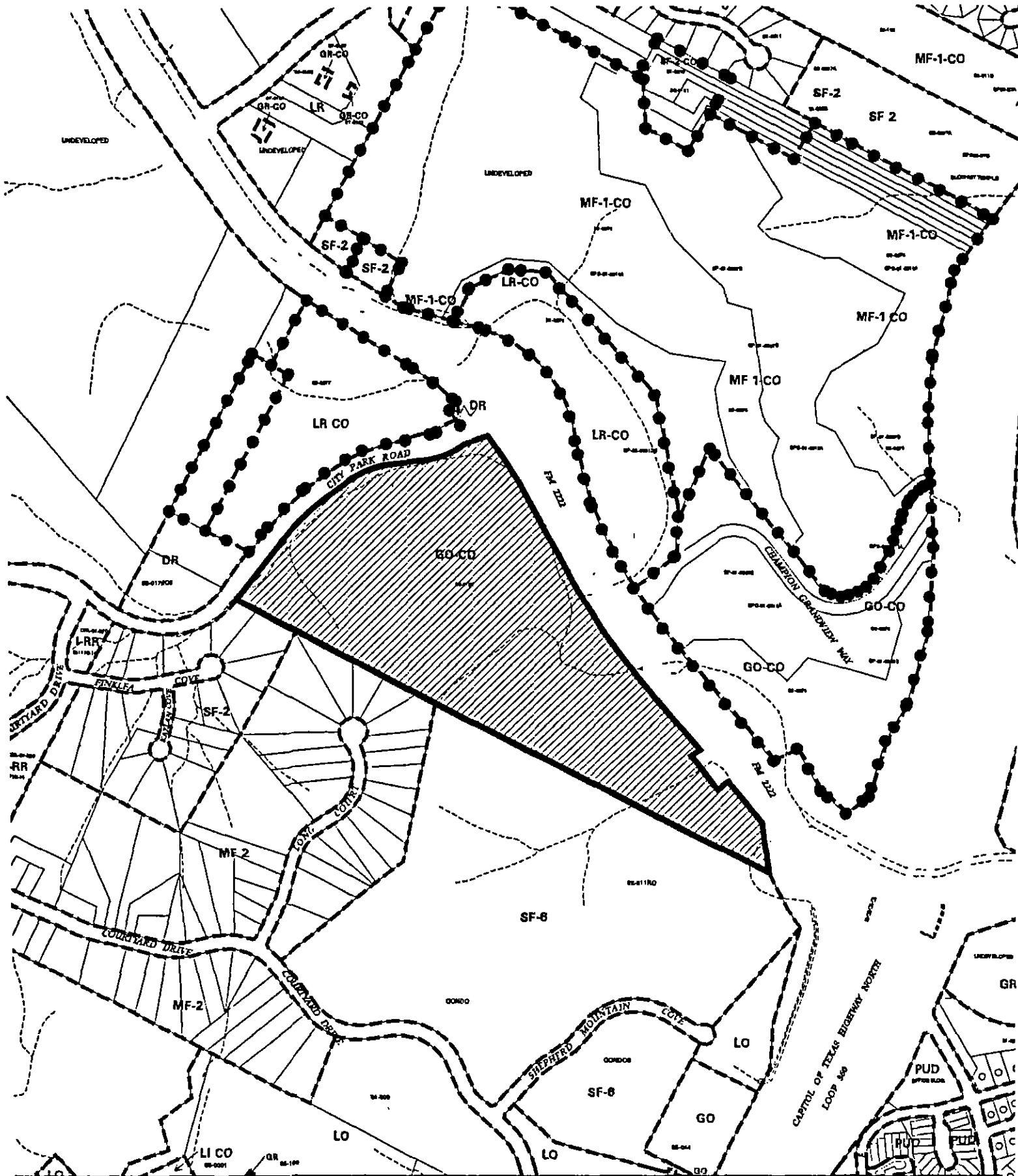
2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Jerry Rusthoven

PHONE: 974-3207



 " = 600'	SUBJECT TRACT 	ZONING CASE # C14-05-0157 ADDRESS: CITY PARK RD AT F M 2222 RD SUBJECT AREA (acres) 44.941		DATE: 05-09 INTLS SM	CITY GRID REFERENCE NUMBER F30
	PENDING CASE 				
	ZONING BOUNDARY 				
	CASE MGR J RUSTHOVEN				

EXISTING CONDITIONS

Site Characteristics

The property is currently undeveloped

Transportation

RM 2222 is classified in the Bicycle Plan as a Priority 2 bike route (Route #434)

There are no existing sidewalks along RM 2222

The Austin Metropolitan Area Transportation Plan calls for a total of 86 feet of right-of-way for City Park Road. If the requested zoning is granted, then 43 feet of right-of-way should be dedicated from the existing centerline of City Park Road in accordance with the Transportation Plan [LDC, Sec 25-6-51 and 25-6-55)

Impervious Cover

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the West Bull Creek Watershed of the Colorado River Basin, and is classified as a Water Supply Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under the current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% NSA with Transfers</i>
One or Two Family Residential	30%	40%
Multifamily Residential	40%	55%
Commercial	40%	55%

Development within a Water Quality Transition Zone may not exceed 18% impervious cover

Environmental

According to flood plain maps, there is flood plain in, or within close proximity of, the project location. Based upon the close proximity of the flood plain, offsite drainage should be calculated to determine whether transition zone exists within the project location. If transition zone is found to exist within the project area, allowable impervious cover within said zone shall be limited to 18%.

The site is located within the endangered species survey area and must comply with the requirements of Chapter 25-8 Endangered Species in conjunction with subdivision and/or site plan process.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2 year detention

Water and Wastewater

The landowner intends to serve the site with City water and wastewater utilities. If water or wastewater utility improvements, or system upgrades, or offsite main extension, or utility adjustment, or relocation are required, the landowner will be responsible for all costs and providing. Also, the utility plan must be in accordance with the City's utility design criteria. The utility plan must be reviewed and approved by the City of Austin Water and Wastewater Utility.

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

Compatibility Standards

Most of this tract is located in the Hill Country Roadway Corridor because it is located within 1000' for Capitol of Texas Hwy (Loop 360).

Portions of this tract that are less than 540' from adjacent single-family zoned property will be subject to Compatibility development regulations. The following regulations will apply to this property.

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- For a structure more than 100 feet but not more than 300 feet from the property line, a structure may attain a height of 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- For a structure more than 300 feet but not more than 540 feet from the property line, a structure may attain a height of 60 feet plus one foot for each four feet of distance in excess of 300 feet from the property zoned SF-5 or more restrictive.
- No parking or driveways are allowed within 25 feet of the property line.
- A fence, berm or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted.